



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,554	01/04/2001	Andrew S. Idsinga	INTL-0524-US (P10883)	3694
7590	05/06/2004		EXAMINER	
JONI D STUTMAN-HORN BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			BARNES, CRYSTAL J	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 05/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/754,554	IDSINGA, ANDREW S. <i>TM</i>
Examiner	Art Unit	
Crystal J. Barnes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 January 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-15 are pending in this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference numbers 42 in figure 1 and 24 in figure 2 are not mentioned in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because "disconnected state 20" in figure 2 should be "connected state 20". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,101,528 to Butt.

As per claim 1, the Butt reference discloses a method comprising automatically sending a discovery message to a node (see column 3 lines 19-23, "client discovery service 20"); and enabling node access if a response to the discovery message is received (see column 3 lines 38-44, "server discovery service 26a/26b").

As per claim 2, the Butt reference discloses implementing a state machine with a connected and a disconnected state (see column 4 lines 20-23, "current target address structure 42") and automatically transitioning from the

disconnected state to the connected state when a response to a discovery message is received ("client discovery service 20").

As per claim 3, the Butt reference discloses notifying a client (see column 2 lines 8-10, "notifies the addressee client application") wishing to access a node when a state transition is made based on a response to a discovery message being received ("client discovery service").

As per claim 4, the Butt reference discloses automatically checking a link to the node to make sure that the node is still accessible (see column 4 lines 2-7, "quick scan").

As per claim 5, the Butt reference discloses automatically checking said node at timed intervals (see column 6 lines 51-53, "predetermined number of times") in order to maintain a connected state ("discovery scan function 34").

As per claim 6, the Butt reference discloses automatically sending a message to determine whether the node is still accessible after said response to said discovery message is received (see column 6 lines 51-59, "discovery scan function 34").

As per claim 7, the rejection of claim 1 is incorporated and further claim 7 contains limitations recited in claim 1; therefore claim 7 is rejected under the same rationale as claim 1.

As per claim 8, the rejection of claim 2 is incorporated and further claim 8 contains limitations recited in claim 2; therefore claim 8 is rejected under the same rationale as claim 2.

As per claim 9, the rejection of claim 3 is incorporated and further claim 9 contains limitations recited in claim 3; therefore claim 9 is rejected under the same rationale as claim 3.

As per claim 10, the rejection of 4 is incorporated and further claim 10 contains limitations recited in claim 4; therefore claim 10 is rejected under the same rationale as claim 4.

As per claim 11, the rejection of claim 5 is incorporated and further claim 11 contains limitations recited in claim 5; therefore claim 11 is rejected under the same rationale as claim 5.

As per claim 12, the rejection of claim 6 is incorporated and further claim 12 contains limitations recited in claim 6; therefore claim 12 is rejected under the same rationale as claim 6.

As per claim 13, the Butt reference discloses a system comprising: a network interface (see column 3 lines 23-29 and 44-45, "transport layer 22, 28a/28b"); and a storage (see column 3 lines 10-17 and 32-35, "client application 18, server application 24a/24b") coupled to said network interface, said storage storing instructions that enable said system to automatically send a discovery message to a node (see column 3 lines 19-23, "client discovery service 20") over said interface ("transport layer 22, 28a/28b") to access the node and to enable node access if a response to the discovery message is received (see column 3 lines 38-44, "server discovery service 26a/26b").

As per claim 14, the Butt reference discloses said system is a processor-based system (see column 3 lines 1-8, "client node 12, server nodes 14a/14b").

As per claim 15, the Butt reference discloses said storage ("client application 18, server application 24a/24b") stores instructions to cause said system to automatically send a message to determine whether the node is still accessible after said response to said discovery message is received (see column 6 lines 51-59, "discovery scan function 34").

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to establishing session connections between computers in general:

JPPN 10210029 A to XIAOQIANG CHEN et al.

WO 9957853 A1 to DESNOYERS et al.

US Pub. No. 2002/0044533 A1 to Bahl et al.

US Pub. No. 2003/0095504 A1 to Ogier

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb
3 May 2004



Anthony Knight
Supervisory Patent Examiner
Group 3800